

VOTING SYSTEMS IN WASHINGTON

Who decides what voting systems are used in Washington State? Why isn't the same system used in all counties?

Washington State election law delegates the responsibility to conduct elections to the local county election offices. The thirty-nine county offices are each given the authority to choose the vendor and type of voting system equipment they believe works best for their citizens and their county budget. However, the selected voting system must first be approved for use by the Office of the Secretary of State.

A statewide conversion to mandate a single system for each county would be very expensive. Additionally, what works in King County, with over a million registered voters, might not be practical for Garfield County, with fewer than 2,000 registered voters.

To be used in Washington State, a voting system must:

- Be tested to meet the standards by Federally approved independent testing authorities.
- Be tested, certified and used in at least one other state or voting jurisdiction.
- Support all the requirements of Washington State election law.

What types of voting systems are currently used in Washington State?

Optical Scan – the voter fills in the bubble or completes the arrow on a paper ballot to indicate his or her choices. Approximately 73% of all ballots cast in Washington's 2004 General Election were on optical scan ballots.

Punch Card – the voter punches out pre-scored squares (chads) on an IBM punch card paper ballot to indicate his or her choices. Punch card ballots accounted for about 23% of all ballots cast in Washington's 2004 General Election.

Direct Recording Electronic (DRE) – often called touchscreen voting, the voter uses an ATM-like machine to indicate his or her choices. Yakima and Snohomish Counties use these devices at polling places and county election offices. They accounted for about 4% of the total 2004 vote.

Changes that will take effect by January 2006:

All punchcard systems will be replaced with optical scan ballots. By January 2006, federal law (Help America Vote Act 2002) requires counties to provide at least one device in every polling place which allows persons with certain disabilities to vote privately and independently. Counties are looking at a combination of options, including:

- Purchase at least one Direct Recording Electronic (DRE) machine for each poll site.
- Purchase DRE-like devices which fill in ovals on an optical scan ballot instead of storing ballot choices in computer memory. Again, at least one device would be available for each poll site.
- Put a DRE or DRE-like device "on wheels" to take the "poll site" to the voters.

ELECTION REFORM TASK FORCE



Secretary of State Sam Reed

Sam Reed, a nationally recognized elections expert, is serving his second term as Secretary of State. Prior to that, he served five terms as Thurston County Auditor and six years as Assistant Secretary of State. As an international election advisor, Sam represented the United States during elections in the Republic of Uganda, Africa and for the Russian Khabarovsk Territorial Governor.



Former Washington State Senator Betti Sheldon

Betti Sheldon served in the Legislature from 1992 to 2004 representing Kitsap County. She has served as Democrat Floor Leader, Majority Floor Leader, Majority Caucus Vice Chair, Majority Whip, and Majority Assistant Floor Leader. Her standing committees have included Economic Development, Higher Education and Ways and Means. She serves, and has served, on the boards of directors of numerous community organizations.



Washington State University President Emeritus Dr. Sam Smith

Dr. Sam Smith was Washington State University's eighth president from 1985 to 2000. Under his leadership, WSU's teaching, research and public service activities received world recognition. He strengthened undergraduate and graduate education, and created urban campuses in Spokane, the Tri-Cities and Vancouver. In 2002, the Board of Regents named WSU's newest building, the Center for Undergraduate Education, after Dr. Smith.



Former Washington State Senator Larry Sheahan

Larry Sheahan served in the Legislature from 1992 to 2004 representing Whitman County, Adams County, and part of Spokane County in both the State Senate and the House of Representatives. He has served as the Senate Republican Majority Floor Leader, Senate Republican Minority Floor Leader, and on committees including Ways and Means, Economic Development, Higher Education, Highways and Transportation, Agriculture and as Chairman of the House Law and Justice Committee.

As a result of five public hearings held around the state, these task force members will send a report to Governor Christine Gregoire no later than March 1, 2005. You may access this report after that date at <http://www.governor.wa.gov/electionreform>.

FOR MORE INFORMATION

Election Reform Task Force: <http://www.governor.wa.gov/electionreform>
Governor: <http://www.governor.wa.gov>
Secretary of State: <http://www.secstate.wa.gov/elections>
Legislature: <http://www1.leg.wa.gov/legislature>
County Auditors: <http://www.secstate.wa.gov/elections/auditors.aspx>

ELECTION REFORM TASK FORCE MEETINGS

February 2005



Washington State has recently experienced the closest Governor's election in United States history as well as the closest statewide election in our history. The extremely close outcome has highlighted imperfections in our system.

Governor Christine Gregoire and Secretary of State Sam Reed are working together to gather public input on ways to improve our elections system.

This brochure contains information about the following:

- *Issues raised during the 2004 General Election*
- *Proposed Election Reforms*
- *How the voting systems function in the Washington State*
- *Information about the Help America Vote Act (HAVA)*
- *Task Force Committee Members and Contact Information*

Your input will help guide the development of the proposed changes. Thank you for participating in this process.



Office of the Governor
Office of the Secretary of State

IDENTIFICATION OF ISSUES AND SOME OF THE PROPOSED REFORMS

1. Issues Related to Election Timing:

MILITARY/OVERSEAS VOTERS

What concerns arose regarding the votes of military and overseas voters in this election?

Due to the current primary date, ballots for military and overseas voters cannot be mailed until the first week of October. This date makes it difficult to insure adequate mail transit time for these voters. For the ballots to be counted, they must be voted no later than Election Day and received by the County Auditor prior to the day of certification.

SOME PROPOSED REFORMS

Move the primary date to June or August. Moving the primary date would allow for more time to process the results of the primary election and print and mail the ballots for the general election. It would also allow time in the case of a recount for a statewide office so that the results would be known in time to print the general election ballots.

Require that ballots are due by Election Day. Require absentee ballots – except for military and overseas voters – to arrive at the County Auditor's office, a poll site, or a county designated drop site by the close of polls on Election Day. Permit counties to begin tabulating absentee ballots on the Monday before Election Day, requiring any results to remain secret under penalty of law.

2. Issues Related to Ballots:

PROVISIONAL BALLOTS

Why were provisional ballots counted with regular ballots during the 2004 general election?

Federal law (the Help America Vote Act of 2002) requires that provisional ballots are available on Election Day at each poll site for voters who are not listed in the poll book.

Provisional ballots are counted only if the voter is registered and he or she has voted in the correct district. Due to the fact that most counties' provisional ballots currently cannot be distinguished from other ballots, some provisional ballots can be included with regular ballots prior to verification of the voter's status.

SOME PROPOSED REFORMS

Standardize absentee and provisional ballot procedures. Establish standards that require provisional ballots to be distinguishable from other ballots and incapable of being tabulated by poll site counting devices. Establish signature verification criteria. Require that records of absentee and provisional ballot signature issues are not public records until after the election is certified by the canvassing board. Require all counties to certify recounts on the same day.

DETERMINING VOTER INTENT

Who can make the decision about a voter's intent?

If a voter did not follow instructions when marking his or her ballot, the ballot may need to be referred to the County Canvassing Board for its consideration. The Board is made up of the County Auditor, the chairman of the County Legislative Authority, and the county's Prosecuting Attorney. During the 2004 General Election, concerns arose over the extent to which a County Canvassing Board could delegate authority to determine voter intent.

SOME PROPOSED REFORMS

Require that only the County Canvassing Board can reject ballots or votes on a ballot as invalid, and that this authority cannot be delegated. The role of the County Canvassing Board must be strengthened to ensure that only the County Canvassing Board, and no other delegated authority, rejects ballots. Proposed legislation would also clarify that the County Canvassing Board may only recanvass when there is a discrepancy or inconsistency in the returns due to an error by the County Auditor or his or her staff.

3. Issues Related to Voter Registration:

DECEASED VOTERS

Why were the votes of deceased voters counted?

Counties currently remove deceased voters by cross-referencing with the lists provided by Vital Statistics, newspaper obituaries and notification by other voters. If the county does not receive notification before an election, the voter's name may still be in the voter registration database. Instances of this can occur during elections because of the lack of a statewide database.

FELONS

Why were felons allowed to vote?

Persons convicted of a felony in Washington State lose their right to vote. However, upon completion of their sentence, and the repayment of all fines, their right to vote may be restored. Currently, counties are notified by the courts of felony convictions. Due to the lack of a statewide comprehensive database, some felons whose right to vote has not been restored could cast ballots.

OTHER PROPOSED REFORMS

Conduct elections entirely by mail.

Currently, over half of the voting population in Washington State votes by mail requiring county elections staff to administer two types of elections, one by mail and one at the polls. A complete vote by mail election could be phased in statewide by 2008, or each County Legislative Authority or Council could be allowed to decide on a county-by-county basis.

Require the State to help pay for election costs.

This option would require the State to assume a share of election costs in both even and odd year elections for every state primary and general election, state ballot measures, and federal, statewide, legislative and state judicial offices. This provision would help ensure counties are adequately staffed to conduct elections efficiently and accurately.

Require a Primary Voters' Pamphlet.

The Office of the Secretary of State would be required to print and distribute a voters' pamphlet whenever a statewide office is scheduled to appear on a primary ballot.

Strengthen and increase the number of county election reviews to at least one in a 3-year period. This proposal would strengthen the county review process, and require the County Auditor or County Canvassing Board to respond in writing with a list of corrective actions to address any problems identified in the report. The Office of the Secretary of State would then be required to make a return visit before the next primary or general election to verify that the corrective steps have been taken.

SOME PROPOSED REFORMS

Create an enhanced statewide voter registration database. This would clarify the process by which an applicant confirms that he or she is the registered voter in the database and would also improve identification of felon voters. By the end of 2005, the statewide voter registration database already in place will help to provide faster removal of the names of deceased voters.

Currently, each of the thirty-nine counties maintains an independent voter registration database. The Help America Vote Act of 2002 mandates the establishment of “a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State...”

This new statewide voter database will meet the federal mandate.

NEW STATEWIDE VOTER REGISTRATION DATABASE

What will the new statewide voter registration database do?

- Contain the name and registration information of each legally registered voter in the State.
- Assign a unique identifier to each legally registered voter in the State.
- Coordinate with other agency databases within the State to verify identification.
- Give any election official in the State immediate electronic access to registration information.
- Serve as the official voter registration list for all elections for Federal office in the State.

How will the database be administered?

- All voter registration information shall be electronically entered into the database on a “real time” basis so the latest information is available to the local election officials.
- The Secretary of State shall provide such support as may be required so that local election officials are able to enter information.

How will it improve the administration of elections?

- The voter registration database will make list maintenance better by:
 - Checking for duplicate registrations among all 39 counties
 - Periodically checking for matches to the list of death certificates issued in the State
 - Periodically checking for matches to the list of felony convictions
 - Checking the validity of identification information against other databases
- The voter registration database will make registration easier for applicants by:
 - Moving a voter from one county to another as a transfer rather than as a new registration
 - Allowing more electronic entry of registrations by the Department of Licensing
- The voter registration database will improve election administration by:
 - Producing a more accurate poll book of eligible registered voters
 - Allowing electronic checks and validations that will speed up entries
 - Centralizing voter registration information

What is the Help America Vote Act?

The Help America Vote Act (HAVA) was passed by Congress in response to issues raised in the 2000 Presidential election. The purpose of HAVA is to provide funds to states to improve election administration and replace outdated voting systems, to create a new federal agency for election administration, and to create minimum standards for states to follow in key areas of election administration. Washington State has received 62.3 million dollars in federal and state funds. For more information about HAVA, how the funds can be spent and the Advisory Board that administers the program, please visit the following web address: http://www.secstate.wa.gov/elections/reform_federal.aspx